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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: **11.05.2023**

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**

**W.P. No.15175 of 2023**

**and WMP Nos.14674 to 14676 of 2023**

1.K.Athiyaman  
2.Thambidurai  
3.Revathi  
4.Muthulakshmi  
5.Periyasamy  
6.Manoharan  
7.Nagarajan  
8.Haja Mohideen  
9.Abdul Malik  
10.R.Muthukumar  
11.Santhi  
12.Basheer Ahmed

... Petitioners

Vs

1.The Commissioner  
Ariyalur Municipality, Ariyalur.

2.State of Tamil Nadu  
Municipal Administration and Water Supply Department  
Fort St.George Chennai-600 009. ... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling of the records of the 1st respondent in Na Ka No.1808/2023/A1 dated 28.4.2023 and quash the same and direct the 1st respondent to offer alternate accommodation in the temporary bus stand in the same lease terms.



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WEB COPY

For the Petitioner

...

Mr.Srinath Sridevan,  
Senior Counsel,  
for Mr.Bhagavath Krishnan

For the Respondents

...

Mr.L.P.Maurya,  
Standing Counsel  
for the first respondent

Mr.Arumugam, Government Advocate,  
for the second respondent

### **ORDER**

Heard Mr.Bhagavath Krishnan learned counsel for the petitioner, Mr.L.P.Maurya, Standing counsel for the first respondent and Mr.Arumugam, Government Advocate, for the second respondent. Read this order in continuation and conjunction with the order dated 10.05.2023, wherein paragraphs 3, 4 and 5 read as follows:

“3.Mr.Maurya, learned counsel, who is appearing for the contesting respondent states that there is no objection in the petitioners attempting to match the highest bid in auction as and when conducted for allotment. Let this position be reduced to writing by the respondents.

4.The approach, as above, satisfies the petitioner as well.

5.List on 11.05.2023 to await memo from R1.”



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2. Today a memo is filed by the Standing Counsel of the contesting respondent, which is based on written instructions in Na.Ka.No.1251/2023/A1. The relevant portion of the memo reads as follows:

"6.It is respectfully submitted that since construction work is taking place in the old bus stand, a temporary bus stand has been set up in the Ariyalur bypass road on vacant land belonging to Opilathan Temple under the control of H.R. & C.E. Department. It is respectfully submitted that in an effort to augment revenue for the 1<sup>st</sup> respondent Municipality, it has been decided to auction the vacant land available in the temporary bus stand on ground rent basis. It is respectfully submitted that the auction will take place on 16.05.2023.

7.It is respectfully submitted that in the above circumstances based on the instructions of the 1<sup>st</sup> respondent Commissioner communicated in the letter dated 10.05.2023 in Na.Ka.No.1251/2023/A1 it is submitted that the writ petitioners can very well participate in the auction scheduled to be held on 16.05.23 and if the petitioners match the highest bid fetched in respect of the shops auctioned they would be allotted the shops on ground rent basis."



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3. The following factual position emanates from a reading of the above:

(i) The petitioners are permitted to participate in the auction scheduled on 16.05.2023;

(ii) Irrespective of their bid i.e. to clarify, even if their bids fall below the highest bid, they will be intimated about the highest bid in respect of the shops auctioned, such that the first offer will be made to the petitioners subject to their satisfying the highest bid received;

(iii) If the petitioners match the highest bid, the allotment of the shops will preferentially be made to them.

4. In the light of the order passed as above, which satisfies the petitioners in full, they do not pursue the prayer as against impugned order dated 28.04.2023. Recording the above, this writ petition is disposed as are the connected miscellaneous petitions.

**11.05.2023**

Index: Yes  
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**Office to note**

Issue copy by 15.05.2023.



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To

- 1.The Commissioner  
Ariyalur Municipality, Ariyalur.
- 2.State of Tamil Nadu  
Municipal Administration and Water Supply Department  
Fort St.George Chennai-600 009.



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**Dr. ANITA SUMANTH, J.**

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**W.P. No.15175 of 2023**

**11.05.2023**